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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA MYS

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
STATE POLICE
Defendant

10- **1:10-cv-794**
Robert J. Jonker
U.S. District Judge

COMPLAINT FOR:
Violations of Title VII
42 USC 2000e, The
Civil Rights Act of 1964

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COMPLAINT AND JURY DEMAND

NOW COMES, Plaintiff, Linda Mys, by and through her attorney, Joni M. Fixel of Fixel Law Offices, PLLC, and for her complaint, states as follows:

Jurisdiction and Parties

1. This is an action to enforce civil rights arising out of Plaintiff's employment relationship with MICHIGAN DEPARTMENT OF STATE POLICE ("Defendants"), pursuant to Title VII – Civil Rights Act of 1964 as amended.
2. Plaintiff is a resident of Newaygo in the State of Michigan. At the time of the events of this suit, she had the intention to make her home in Michigan indefinitely and has no present intention to leave Michigan.

3. The Plaintiff worked for the Michigan Department of State Police (Defendant), which has Departments across the State of Michigan.
4. The events giving rise to this cause of action occurred in Newaygo, Michigan.
5. Plaintiff has filed this timely complaint within 90 days of receiving her Right to Sue letter from the Equal Employment Opportunity Commission.

FACTUAL BACKGROUND

Plaintiff re-alleges and reaffirms paragraphs 1-5 as if restated herein.

6. On or about 1985, Plaintiff began to work for the Defendant and was assigned to the Newaygo Post.
7. Over the next 24 years, Plaintiff worked with performance reviews that consistently noted her high performance and she continued to advance through the ranks of the Department.
8. Throughout the course of her employment with Defendants, Plaintiff performed her job duties in a manner that was satisfactory or better.
9. Throughout the course of her employment with the Defendants, Plaintiff took great pride in her work and professionalism. Over the years Plaintiff received several commendations for her good works and service.

41. Throughout the course of her employment with the Defendants, Plaintiff had been trained in recognizing and protecting victims of sexual abuse.
42. Despite being trained in protecting the victims of sexual abuse and recognizing sexual harassment, she was not given the same protection when she became a victim of sexual abuse at work.
43. In or about summer 2007, Plaintiff was treated by her doctor for increasing high blood pressure from the stress of her job.
44. Plaintiff's therapist told the Plaintiff that she needed to advise her supervisors of the sexual harassment that she was experiences at work.
45. Plaintiff had been the victim of sexual harassment, stalking and unwarranted sexual advances from her supervisor, Dick Miller.
46. Despite reporting the incidents of sexual harassment, stalking and unwarranted sexual advances by her supervisor, Dick Miller, to then Lieutenant Schram it continued.
47. On or about August 2007, Dick Miller made inappropriate comments to Plaintiff about an African American woman who had presented a Freedom of Information request.
48. On or about September 10, 2007, Plaintiff complained to Lieutenant Schram again about the behavior of Dick Miller that included Stalking, inappropriate behavior, inappropriate comments about the Plaintiff, and Miller touching Plaintiff's behind.

49. On or about September 17, 2007, Plaintiff was told by her Lieutenant Schram that nothing could be done about Miller and that she would need to work with him.
50. On or about September 20 2007, Plaintiff took a month off from work due to the stress.
51. When Plaintiff went back to work, she was not scheduled to work with Dick Miller until November. When she did work with Miller he was loudly telling a co-worker about sexual affairs between a father and daughter. Miller was laughing about it and the sexual exploits. Plaintiff had to close her office door to prevent from hearing more inappropriate discussions.
52. On or about November 28, 2007, Plaintiff advised the Lieutenant Schram about the inappropriate discussions of Dick Miller.
53. On or about December 5, 2007, Plaintiff attended the Michigan State Police Academy in Lansing, Michigan. While attending training, she was told by troops in training that she had been transferred to the Rockford, Michigan post.
54. Plaintiff's supervisors never told her that she had been transferred.
55. On or about December 8, 2007, Plaintiff began to work at the Rockford post.
56. Plaintiff appealed the transfer to the Transfer Review board.

57. On or about January 29, 2008, Plaintiff was told by Dispatchers Doug Cobb and Gary Meiers that they had been interviewed by Lieutenant Schram about her performance.
58. On or about February 6, 2008, Plaintiff went before the Transfer Review Board and was told that she now had to report to the Detroit Michigan State Police Post and she was to report on February 24, 2008.
59. On or about February 11, 2008, in a retaliatory act, Lieutenant Schram went to Plaintiff's old computer at the Newaygo post and searched old websites she had visited. When he found an email that he considered "inappropriate" about a cat for sale – he wrote her up and she was given a 2 year reprimand.
60. Plaintiff was served with her 2 year reprimand on her first day of reporting to the Detroit post, despite Lieutenant Schram no longer being her supervisor.
61. On or about March 3, 2008, Plaintiff was told by Sergeant Nelson of the Newaygo Post, that the Human Resource Department in Newaygo told the Newaygo Troopers not to have any contact with the Plaintiff.
62. On or about June 9, 2008, Plaintiff was given a performance appraisal from the previous year. She had only been evaluated by Lieutenant Harris at the Newaygo Post and for the first time in her career, she received a "Meets Expectations".

63. As a direct and proximate result of Defendants wrongful acts, Plaintiff has suffered lost wages and benefits, loss of benefits, humiliation and embarrassment, and loss of professional reputation.

Count I

**Violation of Title VII – the Civil Rights Act
of 1964 as Amended – Sexual Harassment**

Plaintiff incorporates by reference paragraphs 1 through 32.

64. Plaintiff's sex was a determining factor in the decision by her supervisor, Dick Miller to sexually harass her, touch her inappropriately and to make improper sexual comments to her and around her.
65. As a woman, Plaintiff belongs to a protected class pursuant to Title VII – the Civil Rights Act.
66. Dick Miller's comments were unwelcome by the Plaintiff and she reported it frequently to her managers.
67. The unwelcome sexual conduct, touching and sexual innuendo's were intended to and did in fact substantially interfere with the Plaintiff's employment.
68. The unwelcome sexual conduct, touching and sexual innuendo's created an intimidating, hostile and offensive work environment for the Plaintiff.

69. Defendants are liable for the damages of the Plaintiff pursuant to the doctrine of Respondeat Superior by failing to prevent Dick Miller from continuing his sexual harassing behavior.
70. Defendants are liable for the damages of the Plaintiff pursuant to the doctrine of Respondeat Superior by retaliating against the Plaintiff by changing her work location, moving her to Detroit and placing her on a 2 year reprimand for complaining about the improper behavior of Dick Miller.
40. As a direct and proximate result of Defendants' wrongful acts and omissions, Plaintiff has lost wages and benefits, loss of benefits, humiliation and embarrassment, and loss of professional reputation.

Count II

Violation of Title VII – the Civil Rights Act of 1964 as Amended – Hostile Work Environment

Plaintiff incorporates by reference paragraphs 1 through 40.

41. Plaintiff's sex was a determining factor in the decision by her supervisor, Dick Miller to sexually harass her, touch her inappropriately and to make improper sexual comments to her and around her.
42. As a woman, Plaintiff belongs to a protected class pursuant to Title VII – the Civil Rights Act.
43. Dick Miller's comments were unwelcome by the Plaintiff and she reported it frequently to her managers.

44. The unwelcome sexual conduct, touching and sexual innuendo's were intended to and did in fact substantially interfere with the Plaintiff's employment.
45. The unwelcome sexual conduct, touching and sexual innuendo's created an intimidating, hostile and offensive work environment for the Plaintiff.
46. Defendants are liable for the damages of the Plaintiff pursuant to the doctrine of Respondeat Superior by failing to prevent Dick Miller from continuing his sexual harassing behavior.
47. Defendants are liable for the damages of the Plaintiff pursuant to the doctrine of Respondeat Superior by retaliating against the Plaintiff by changing her work location, moving her to Detroit and placing her on a 2 year reprimand for complaining about the improper behavior of Dick Miller.
48. As a direct and proximate result of Defendants' wrongful acts and omissions, Plaintiff has lost wages and benefits, loss of benefits, humiliation and embarrassment, and loss of professional reputation.

WHEREFORE Plaintiff, Linda Mys, respectfully requests that this Court enter a judgment in favor of the Plaintiff against the Defendants as follows:

1. an order enjoining Defendant from further acts of discrimination or retaliation;

2. an order of this Court awarding Plaintiff compensatory damages in an amount determined at trial in this matter;
3. an order of this court awarding Plaintiff punitive damages in an amount to be determined at the trial in this matter;
4. an award to Plaintiff of attorneys fees, costs of litigation and interest
5. an order of this Court granting Plaintiff further relief that it deems just and equitable.

PLAINTIFF DEMANDS A JURY

Respectfully submitted,

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Dated: August __, 2010